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08/831,845	04/01/1997	BARTLEY H. CALDER	P2167/SUN1P1	9132

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EXAMINER
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BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 03/10/2004

37

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

08/831,845

Applicant(s)

CALDER ET AL.

Examiner

Lewis A. Bullock, Jr.

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 26 is/are rejected.
- 7) ☒ Claim(s) 23-25 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-27 are, drawn to a computer framework for independently associating data with a command object, classified in class 709, subclass 313.
  - II. Claim 28 is, drawn to generically executing a command object that retrieves the data, classified in class 709, subclass 100.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as generating a framework that allows multiple applications to share common command objects. Group II has separate utility such as executing command objects that associates data with itself to execute the data. See MPEP § 806.05(d).
3. Inventions Group I and Group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process, Group II; does not require one to communicate with a mapping mechanism in order to obtain a command object

associated with the data since the process allows for the data object to be sent to the command object for execution. In fact, the opposite is illustrated in the process wherein a data object corresponding to a command object is retrieved and sent to the command object. The apparatus, Group I, allows a plurality of applications to retrieve data in order to execute the data amongst a plurality of common and new command objects accessible to all the applications without any modification to the applications. This is performed with all the applications having access to a data handler mechanism that communicates with the data retriever and mapping mechanisms.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, different search requirements, and recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Newly submitted claim 28 is directed to an invention that is independent or distinct from the invention originally claimed for the reasons given above.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for

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prosecution on the merits. Accordingly, claim 28 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over GOSLING (EP 718761 A1) in view of PASHUPATHY (US 6,078,951).

As to claim 1, GOSLING teaches a computer-implemented framework for associating data (object) with a command object (viewer) wherein the data is associated with an application (user interface control program / user's web access program), the computer-implemented framework comprising: a data handler mechanism (class loader / inter-computer link control program); a data retriever mechanism (objects directory / disc directory or catalog / objects); and a mapping mechanism (viewer library) (pg. 2, lines 37-44; pg. 4, lines 11-22, pg. 5, lines 24-35; pg. 5, lines 49-58; pg. 6, lines 15-28; pg. 7, lines 8-9; pg. 24; lines 6-24). GOSLING also teaches that a plurality of user workstations which have applications (user interface control program / user's web access program) have access to the same server that supports a plurality of object viewers such that many varied users can be supported through the distribution of a

single bytecode version of the program (pg. 4, lines 27-34). Therefore, GOSLING teaches the plurality of command objects (viewers) being usable by a plurality of applications. However, GOSLING does not explicitly mention that the data handler mechanism allows use of new command objects without modifying the application. GOSLING does teach that invention allows object viewers unknown, herein new to the user's web access program to be dynamically used and added to the system in a viewer library for the user (pg. 2, line 37 – pg. 3, line 11). It would be inherently defined within this teaching that dynamic loading does not modifying the users web access program since the viewer library is changed by the addition of the new viewer and not the web access program. However, GOSLING does not teach returning the command list for display.

PASHUPATHY teaches a mapping mechanism (server container) being arranged to obtain a command list (list of viewers for the file type) for the application to display (user has to select appropriate viewer if plural viewers are capable of accessing the file), the command list (list of viewers for the file type) including the command object (user-selected viewer) obtained, wherein the command object is executed by the application upon selection of the command object from the command list, and the command list (list of viewers for the file type) includes a plurality of command objects (viewers) including the command object (viewer to be selected by user) (col. 6, lines 62 – col. 7, line 4). It is inherent that the viewers returned are displayed in a list since the user must select the appropriate viewer to use to view the data. It is also obvious based on the combination of GOSLING in view of PASHUPATHY that the command list is

returned to the data handler mechanism (class loader) then the application (user's web access program) for displaying the command list in order to receive the subsequent selection by the user. Therefore, it would be obvious to combine the teachings of GOSLING with the teachings of PASHUPATHY in order to automate the searching, installation, configuration, and updating of software for a computer system (col. 1, line 58-60).

As to claim 2, GOSLING teaches the downloading of data and binding such data to a command object (pg. 6, lines 15-28). It would be obvious that since the handle is initially received prior to the body that the data is a stream of bytes over the network.

As to claim 3, GOSLING teaches that the two computer systems have different computer platforms and a variety of operating systems (pg. 4, lines 23-28). It would be obvious that that there would have to exist a mechanism for converting the data from one format understandable by one platform to another in order for data to be processed and interpreted for viewing.

As to claim 4, GOSLING teaches the server computer system is a Sun Microsystems computer (pg. 4, line 25). It would be obvious that since the data object and the command object are retrieved from the server computer system and since it is well known in the art that a Sun system is formulated in Java that the data object and command object are created in the Java programming language.

As to claim 5, GOSLING teaches the data is text data (pg. 5, lines 28-35).

As to claim 6, GOSLING teaches the data handler is arranged to receive a request from the application, to bind the data to the command object, and to return the command object to the application (pg. 6, lines 15-28; pg. 7, lines 8-9).

As to claim 7, GOSLING teaches that the two computer systems have different computer platforms and a variety of operating systems (pg. 4, lines 23-28). It would be obvious that that there would have to exist a mechanism for converting the data from one format understandable by one platform to another in order for data to be processed and interpreted for viewing.

As to claim 8, GOSLING teaches the mapping mechanism includes a look-up table (listing) arranged to associate the command object with the data (pg. 6, lines 22-28).

As to claim 9, GOSLING teaches a computer implemented method for associating data (object) with a command object (viewer) in response to a request from an application (user interface control program / user's web access program), the method comprising: accessing the data through an interface (class loader / inter-computer link control program) in response to the request from the application;



accessing a mapping mechanism (viewer library) which is independent of the interface but in communication with the interface to locate an installed command object (viewer known to user) that is appropriate for the data; obtaining the command object; binding the command object to the data; and returning the command object to the application to allow execution of the command object (viewer allows object to be accessible to user) (pg. 2, lines 37-44; pg. 4, lines 11-22, pg. 5, lines 24-35; pg. 5, lines 49-58; pg. 6, lines 15-28; pg. 7, lines 8-9; pg. 24; lines 6-24). ). GOSLING also teaches that a plurality of user workstations which have applications (user interface control program / user's web access program) have access to the same server that supports a plurality of object viewers such that many varied users can be supported through the distribution of a single bytecode version of the program (pg. 4, lines 27-34). Therefore, GOSLING teaches the plurality of command objects (viewers) being usable by a plurality of applications. However, GOSLING does not explicitly mention that the data handler mechanism allows use of new command objects without modifying the application. GOSLING does teach that invention allows object viewers unknown, herein new to the user's web access program to be dynamically used and added to the system in a viewer library for the user (pg. 2, line 37 – pg. 3, line 11). It would be inherently defined within this teaching that dynamic loading does not modifying the users web access program since the viewer library is changed by the addition of the new viewer and not the web access program. However, GOSLING does not teach returning the command list for display.

PASHUPATHY teaches obtaining a command list identifying commands (names of viewers) associated with the data (file type found) and wherein the command list (names of viewers) is returned for display (col. 6, lines 62 – col. 7, line 4). ). It is inherent that the viewers returned are displayed in a list since the user must select the appropriate viewer to use to view the data. It is also obvious based on the combination of GOSLING in view of PASHUPATHY that the command list is returned to the data handler mechanism (class loader) then the application (user's web access program) for displaying the command list in order to receive the subsequent selection by the user. Therefore, it would be obvious to combine the teachings of GOSLING with the teachings of PASHUPATHY in order to automate the searching, installation, configuration, and updating of software for a computer system (col. 1, line 58-60).

As to claim 10, GOSLING teaches that the two computer systems have different computer platforms and a variety of operating systems (pg. 4, lines 23-28). It would be obvious that that there would have to exist a mechanism for converting the data from one format understandable by one platform to another in order for data to be processed and interpreted for viewing.

As to claim 11, GOSLING teaches the server computer system is a Sun Microsystems computer (pg. 4, line 25). It would be obvious that since the data object and the command object are retrieved from the server computer system and since it is

well known in the art that a Sun system is formulated in Java that the data object and command object are created in the Java programming language.

As to claim 12, GOSLING teaches the downloading of data and binding such data to a command object (pg. 6, lines 15-28). It would be obvious that since the handle is initially received prior to the body that the data is a stream of bytes over the network.

As to claim 13, GOSLING teaches operating on the data using the command object (viewing the object) (pg. 7, lines 8-9).

As to claim 14, GOSLING teaches the command object is selected from a set of command objects associated with a command list (listing within the viewer library) and accessing the command list through the interface (pg. 6, lines 22-28).

As to claim 15, PASHUPATHY receiving a request for a command list from the application (check to see if viewer is most current version) obtaining the command list (names of viewers) associated with a type of data (file type found) and wherein the command list (names of viewers) is returned for display (col. 6, lines 62 – col. 7, line 4). It is inherent that the viewers returned are displayed in a list. It is also obvious based on the combination of GOSLING in view of PASHUPATHY that the command list is returned to the interface (class loader / inter-computer link control program) that

performs the cited steps and then the application (user's web access program) for display and subsequent selection by the user. Therefore, it would be obvious to combine the teachings of GOSLING with the teachings of PASHUPATHY in order to automate the searching, installation, configuration, and updating of software for a computer system (col. 1, line 58-60).

As to claims 16-20, reference is made to a computer program product which corresponds to the method of claims 9-11, 13, and 14 and is therefore met by the rejection of claims 9-11, 13, and 14 above. Claim 16 also details the mapping mechanism is not a part of the application. GOSLING teaches the mapping mechanism is not part of the application (figures 2 & 3, viewer library is on server also).

As to claim 21, GOSLING teaches the command object (viewer) is obtained by the mapping mechanism (viewer library) based substantially on the data (handle) without an external input from a user of the application (pg. 6, lines 15-28; pg. 3, lines 1-9).

As to claim 22, GOSLING teaches the command object (viewer) is obtained by the mapping mechanism (viewer library) based substantially on the data (handle) without directly involving the application (pg. 6, lines 15-28; pg. 3, lines 1-9).

As to claim 26, GOSLING teaches the mapping mechanism (viewer library) and the data handler mechanism (class loader / inter-computer link control program) are separately maintained (fig 3).

### ***Claim Objections***

9. Claims 23-25 and 27 are objected to because of the following informalities: All of the claims detail that the plurality of command objects being useable by a plurality of applications (last paragraph) and the data handler mechanism arranged to interface with a plurality of applications wherein the data handler mechanism is independent from the plurality of applications and allows use of new command objects without modifying the application (2<sup>nd</sup> paragraph). As written the claims allude that there are different sets of a plurality of applications. In addition it seems that the new command objects allow modification to the other applications except the selected application. In order to properly correct errors in the claim language, the examiner requests Applicant to amend the claims such that the new command objects allow use without modifying the **plurality of applications** and that the plurality of command objects being useable by **said** plurality of applications. Appropriate correction is required.

### ***Response to Arguments***

10. Applicant's arguments filed 2/9/04 have been fully considered but they are not persuasive. Applicant argues that the none of the cited references teach the command list including a plurality of command objects. The examiner disagrees. Both Gosling

and Pashupathy teach the server stores viewers to be downloaded and executed by users. Therefore, the cited reference teach a plurality of command objects (viewers) stored in a list (directory / container). Applicant then argues that none of the cited references teach or suggest that the plurality of command objects are useable by a plurality of applications as claimed. The examiner disagrees to some extent. In regards to claims 1-22 and 26, the claims only detail that the plurality of command objects are accessible by a plurality of applications. Gosling teaches a plurality of workstations have access to the same server wherein the workstations have user web access programs and the server stores a plurality of command objects (viewers) (pg. 4, lines 27-34). Therefore, the command objects are accessible to a plurality of applications (users web access programs on a plurality of user stations) by each user loading the viewer from the same server. In regards to claim 23, incorporated with the claim recommendations as disclosed in the claim objections, the plurality of applications all have access to a common data handler mechanism that allows for the use of the new and common command objects without modifying the applications. The examiner agrees that this teaching would not be met by Gosling and Pashupathy because the applications do not have shared access to a data handler mechanism in order to access the command objects without modifying the applications. Therefore, the rejections to those claims in regards to the cited references are removed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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